

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

-----X-----	: STATE OF NEW YORK, <i>et al.</i> , Plaintiffs, -against- STEPHEN L. JOHNSON, <i>et al.</i> , Defendants. -----X-----	: Case No. 1:07-cv-10632-BSJ-DCF NOTICE OF MOTION TO ADMIT COUNSEL ROBERT A. REILEY <i>PRO HAC VICE</i>
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PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G. Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of Robert A. Reiley, as applicant for admission *pro hac vice*, and upon the certification of good standing of the Supreme Court of Pennsylvania, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said Robert A. Reiley, Assistant Counsel of the Commonwealth of Pennsylvania, Department of Environmental Protection, and a member in good standing of the Bar of the Commonwealth of Pennsylvania, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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Dated: New York, New York
January 15, 2008

A. G. R.

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
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New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	Case No. 1:07-cv-10632-BSJ-DCF
Plaintiffs,	:	
-against-	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
Defendants.	:	
-----X	:	

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT ROBERT A. REILEY AS COUNSEL PRO HAC VICE**

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.

2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.

3. I make this declaration in support of the motion to admit Robert A. Reiley, an attorney admitted to practice in the Commonwealth of Pennsylvania, as counsel *pro hac vice* for plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection, in this action.

4. As set forth in the annexed declaration of Robert A. Reiley and the exhibit thereto:

(i) Robert A. Reiley is a member in good standing of the Bar of the Commonwealth of Pennsylvania.

(ii) There are no pending disciplinary proceedings against Robert A. Reiley in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that Robert A. Reiley be admitted as counsel *pro hac vice* for plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection, in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 15, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINALUNITED STATES DISTRICT COURT
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STATE OF NEW YORK, *et al.*, :
Plaintiffs, : Case No. 1:07-cv-10632-BSJ-DCF
-against- :
STEPHEN L. JOHNSON, *et al.*, :
Defendants. :
-----X

**DECLARATION OF ROBERT A. REILEY
IN SUPPORT OF MOTION TO BE ADMITTED *PRO HAC VICE***

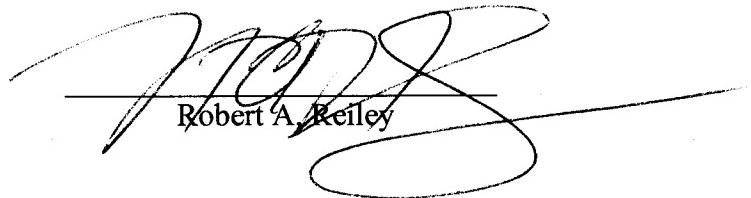
Robert A. Reiley, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the Commonwealth of Pennsylvania since June 5, 1991.
2. I am currently employed as an Assistant Counsel in the Commonwealth of Pennsylvania, Department of Environmental Protection, where I have been continuously employed since March 1998.
3. Attached hereto as Exhibit A is a Certificate of Good Standing issued by the Supreme Court of Pennsylvania, dated January 8, 2008, reflecting that I am currently a member in good standing of the Bar of the Commonwealth of Pennsylvania.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the Commonwealth of Pennsylvania, Department of Environmental Protection, in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-14-08



A handwritten signature in black ink, appearing to read "Robert A. Kelley". The signature is fluid and cursive, with a large, stylized 'R' at the beginning. Below the signature, the name "Robert A. Kelley" is printed in a smaller, sans-serif font.



Supreme Court of Pennsylvania

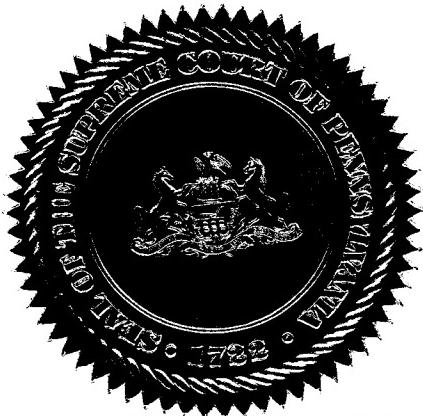
CERTIFICATE OF GOOD STANDING

Robert Anthony Reiley, Esq.

DATE OF ADMISSION

June 5, 1991

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal
Dated: January 8, 2008

A handwritten signature of Charles W. Johns.

Charles W. Johns
Prothonotary

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, *et al.*, :
Plaintiffs, : Case No. 1:07-cv-10632-BSJ-DCF
-against- :
STEPHEN L. JOHNSON, *et al.*, :
Defendants. :
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**ORDER GRANTING MOTION TO
ADMIT ROBERT A. REILEY AS COUNSEL PRO HAC VICE**

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit Robert A. Reiley, an attorney admitted to practice in the Commonwealth of Pennsylvania, as counsel *pro hac vice* for plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection, in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that Robert A. Reiley is hereby admitted as counsel *pro hac vice* for plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection, in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this _____ day of _____, 2008.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
-against-	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
Defendants.	:	
-----X-----	:	

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel Robert A. Reiley *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 15th day of January, 2008 on the following attorneys:

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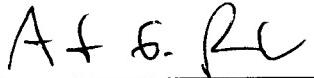
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Andrew G. Frank